

**Authorizing The County Legislature To Conduct A Public Hearing For The Proposed Acquisition For Public Purpose of Property for the Construction of the Hudson Valley Rail Trail West: Phase 4 in the Town of Lloyd - Department of Planning**

Referred to: The Economic Development, Tourism, Housing, Planning, and Transit Committee (Chairman Maloney and Legislators Berky, Delaune, Lapp, Litts, Maio, and Rodriguez), The Public Works and Capital Projects Committee (Chairman Fabiano and Legislators Greene, Litts, Loughran, and Maloney), and The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Bartels, Belfiglio, Briggs, Maio, and Maloney)

Chairman of the Public Works and Capital Projects Committee, Dean J. Fabiano, and Deputy Chairman Peter M. Loughran offer the following:

WHEREAS, this resolution has been submitted by the County Executive on behalf of the Department of Planning; and

WHEREAS, the Ulster County Legislature adopted Resolution No. 141 of 2015 thereby authorizing an agreement between Ulster County (hereinafter the "County") and the New York State Department of Transportation (hereinafter "NYSDOT") to fund design and right-of-way incidentals for the construction of the Hudson Valley Rail Trail West: Phase 4, PIN 8761.21 (hereinafter the "Project"); and

WHEREAS, the Ulster County Legislature adopted Resolution No. 45 of 2016 pursuant to 6 NYCRR Part 617 et seq. of the Regulations of Article 8 of the Environmental Conservation Law of New York State (hereinafter "SEQRA") thereby adopting and issuing a determination of non-significance under SEQRA (hereinafter the "Negative Declaration"); and

WHEREAS, the Ulster County Legislature adopted Resolution No. 237 of 2016 thereby authorizing a supplemental agreement between the County and NYSDOT to fund right-of-way acquisition for construction of the Project; and

WHEREAS, negotiations regarding the right-of-way acquisitions (approximately six [6] permanent easements or fee takings, and one [1] temporary easement) from the affected property owners for the Project have not yet been completed; and

WHEREAS, the County intends to pursue all means to complete these negotiations in a timely manner without necessitating legal measures, but must provide for the contingency that the properties in question may need to be acquired by eminent domain proceedings, as a last resort; and now be it

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RESOLVED, on the recommendation of the County's Department of Planning in coordination with the Chairman of the Legislature, the Ulster County Legislature will conduct a public hearing pursuant to Section 201 of the Eminent Domain Procedure Law at the County Office Building, 244 Fair Street, Kingston, NY 12401 on the 21<sup>st</sup> day of June, 2016 at 7:00 P.M.; and be it further

RESOLVED, that the purpose of said hearing is to inform the public and to review the public use to be served by the Project's construction, and the impact on the environment and residents of the locality where said Project will be constructed; and be it further

RESOLVED, that pursuant to Section 202 of the Eminent Domain Procedure Law, the Clerk of the Legislature shall cause to be published at least ten but no more than thirty days prior to said hearing a notice of same in at least five successive issues of the Daily Freeman, a daily newspaper of general circulation, and in at least two successive issues of the two official newspapers of the County of Ulster,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 21                      NOES: 1  
(Noes: Legislator J. Parete)  
(Absent: Legislator Gerentine)

Passed Committee: Economic Development, Tourism, Housing, Planning, and Transit on May 3, 2016

Passed Committee: Public Works and Capital Projects on May 5, 2016

Passed Committee: Ways and Means on May 10, 2016

**FINANCIAL IMPACT:**

**\$84,835.00 – CAPITAL APPROPRIATIONS- 80% REIMBURSABLE (\$67,868.00- BUDGETED FEDERAL REVENUE DOLLARS, \$16,967.00 COUNTY SHARE)**

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 17<sup>th</sup> Day of May in the year Two Thousand and Sixteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 18<sup>th</sup> Day of May in the year Two Thousand and Sixteen.

[s] Victoria A. Fabella  
Victoria A. Fabella, Clerk  
Ulster County Legislature